

# Coroners Court of Queensland

## Practice Direction No. 1 of 2024

### Procedures for Pre-Inquest Conferences and Inquests

1. The purpose of this practice direction is to provide guidance to any person or entity who intends to, or is granted leave to appear, at an Inquest pursuant to section 36(1) of the *Coroners Act 2003* (Qld) ('Party/Parties').
2. This practice direction is to be read in conjunction with the State Coroner's Guidelines, Chapter 9, Inquests.<sup>1</sup>
3. The following provisions are subject to any contrary direction by the Coroner with the conduct of the coronial investigation.

#### General Principles

4. Inquest proceedings are investigative rather than adversarial in nature. There are no "parties" with interests to be adjudicated after a contest.
5. The purpose is not to decide criminal or civil liability of any person but to determine the matters required by s 45 of the *Coroners Act*, including the circumstances surrounding the death. An inquest is about attempting to find the root cause of the incident that precipitated the death and in appropriate circumstances making recommendations on ways to prevent deaths from happening in similar circumstances.
6. An Inquest is bound by, and will apply, principles of natural justice and procedural fairness. All persons and organisations whose interests are affected by an Inquest are entitled to be heard on an issue affecting them before any decision is made.
7. An Inquest is not, however, otherwise bound by rules of evidence or procedure. In general terms, the guiding principles in relation to admissibility of evidence will be relevance and fairness only.
8. Inquests are stressful, especially for families and the principal witnesses. Inquests are also costly, and costs are not recoverable. Inquests therefore are to be conducted as expeditiously and efficiently as is reasonable in the circumstances. Maximum co-operation in minimising delay is expected from all participants in an Inquest.

#### Queensland Government Model Inquest Principles

9. The Queensland Government Model Inquest Principles came into effect in March 2023<sup>2</sup> (the Principles).
10. The Principles:

*...set out how the State and all agencies should conduct themselves at inquests and are intended to ensure a sensitive, compassionate, and consistent approach by government, and to make inquests less distressing and traumatic for families and witnesses.*<sup>3</sup>

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<sup>1</sup> <https://www.coronerscourt.qld.gov.au/resources/legislation-and-resources>

<sup>2</sup> Version 1.0 March 2023. Issued at the direction of The Premier and Attorney-General apply to the State and all agencies.

<sup>3</sup> <https://www.justice.qld.gov.au/about-us/services/policy-legal/legal-services-coordination-unit/legal-service-directions-and-guidelines/model-inquest-principles>

11. The State is not bound by the Principles, they must be flexibly applied depending on circumstances<sup>4</sup>, and they do not replace or affect the provisions of the *Coroners Act 2003* (Qld) and other legislation.<sup>5</sup>
12. Parties are expected to familiarise themselves with the Principles and to conduct themselves in accordance with them during any proceeding before the Coroners Court of Queensland.

### **Pre-Inquest Conferences**

13. Where a Coroner has determined that an Inquest is to be held, one or more Pre-Inquest Conference/s (PIC/s) will generally be held to assist in identifying the parties to the Inquest, the issues to be investigated at Inquest, the witnesses to be called at Inquest and the hearing dates of Inquest. A PIC may not be held for a natural causes death in custody.
14. A notice advising of the date and time for an initial PIC, and the proposed coronial issues to be investigated, will be published in the Daily law list and on the Coroners Court of Queensland website at least six weeks before the initial PIC is held. If a PIC is not held a notice advising of the date and time for the Inquest, and the proposed coronial issues to be investigated, will be published in the Daily law lists at least 28 days before the Inquest is held.
15. At the time the coronial issues are published, the family and interested parties who were identified during the coronial investigation will be directly notified by the Court Registry that an Inquest is to be held, the coronial issues to be investigated, the proposed witnesses to be called at the Inquest, and the proposed dates and location for the Inquest.
16. As soon as practicable, Parties who wish to appear at the Inquest should seek leave of the Court in writing to appear at the Inquest prior to the PIC. On being granted leave, a copy of the electronic Brief of Evidence will be provided.
17. A Party who is granted leave to appear at the Inquest will be informed by the Court Registry of any other Party who is granted leave to appear.
18. Once a Party has been granted leave, all communication with the Court regarding the Inquest should be in writing and must carbon copy all other parties on the record, unless a Party seeks and is granted leave to communicate with the Court.
19. If a Party intends to raise any issue and/or make any application at the PIC they are to provide a written outline of argument to Counsel Assisting, copied into all other Parties by Close of Business two days prior to the PIC. The written Outline of Argument is not to exceed six pages.
20. At the PIC Counsel Assisting the Coroner will give an opening, and the Parties may raise issues and/or make applications before the Coroner in accordance with their written Outline of Argument.
21. If leave to appear is granted to a Party after the PIC on a written application, the Court Registry will advise all other parties on the record.

### **Inquests**

22. An Inquest will generally not be held sooner than two months after a PIC.
23. The date, time, and place of the Inquest, as well as the issues to be investigated at the Inquest, will be published on the Coroners Court of Queensland website.

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<sup>4</sup> Model Inquest Principle 4.

<sup>5</sup> Model Inquest Principle 6.

24. Unless exceptional circumstances arise, witnesses to be called at the Inquest will be served with an Order to Attend at least 28 days before the Inquest. Service may be effected through legal representatives if agreeable to accept service
25. Counsel Assisting will distribute a witness schedule at least 28 days prior to the Inquest. If a Party forms the view the time allocated for the examination of any witness is insufficient, they are to notify Counsel Assisting as soon as practicable.
26. Unless exceptional circumstances arise, applications by Parties for:
  - a. non-publication orders; or
  - b. a witness to give evidence by video or phone linkare to be made in writing at least seven days prior to the start of the Inquest.
27. The Coroner will advise Parties in the course of the Inquest whether they require final submissions to be made orally or in writing. The Coroner may impose a page limit to submissions.

### **Findings**

28. A Coroner may deliver findings (including any comments) in chambers with no Court appearances required. A copy of the findings will be provided to the family and interested parties.
29. If a Coroner intends to deliver findings in Court, family and Parties will be advised of the date and time at least one week prior to that date.
30. Unless they have sought leave to be excused, in writing, and given reasons for their absence, all Parties should appear in person or via video or phone link at the delivery of findings.

### **Photographs and/or cultural ceremonies at PICs and Inquests**

31. When the family is notified that an Inquest will be held, the family/legal representatives for the family may advise Counsel Assisting that they would like to
  - a. display a photograph of the deceased and/or an item of personal or cultural significance (such as a symbol or artwork) in Court during the Inquest; or
  - b. hold a culturally appropriate ceremony before the Inquest commences.
32. Any photograph, and/or details of items of personal or cultural significance and/or ceremony should be provided to Counsel Assisting one week prior to the commencement of the Inquest, unless otherwise arranged between the family/legal representatives for the family and Counsel Assisting.
33. Some items will not be allowed in the courtroom for security reasons or for the comfort of others in the courtroom, such as:
  - a. Ceremonial weapons (with the exception of a Kirpan<sup>6</sup>);
  - b. Banners, flags, signs or placards;
  - c. T-shirts bearing words (other than the deceased's name);
  - d. Fresh flowers; or

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<sup>6</sup> See Magistrates Courts Practice Direction No. 3 of 2014 (amended) - Management of controlled items in court precincts.

- e. Items which emit scent or smoke.
34. If the family is requested not to bring a particular item for security reasons or for the comfort of others in the courtroom, every effort will be made to agree on an alternative item which is also of significance to the family.
35. The placement of any items in the courtroom must not interfere with the conduct of the inquest.
36. The decision to display any material, where that material is to be displayed, or whether to hold a culturally appropriate ceremony is at the discretion of the Court.
37. Counsel Assisting will advise the Parties of any material which will be displayed in the Court prior to the Inquest, and the Parties will be responsible for advising witnesses they are representing of the material which will be displayed in the Court in advance of the witness giving evidence at the Inquest.
38. Legal representatives should familiarise themselves, and those for whom they appear, with Coroners Court of Queensland Practice Direction 1 of 2021, Electronic Devices in Courtrooms.
39. For the provision of family statements at Inquests, see Coroners Court of Queensland Practice Direction 2 of 2024, Family Statements.
40. Robes are not worn for any hearings in the Coroners Court of Queensland.<sup>7</sup>

#### **Commencement**

41. This Practice Direction takes effect from 1 June 2024.



Terry Ryan  
State Coroner

29 April 2024

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<sup>7</sup> [https://www.courts.qld.gov.au/\\_\\_data/assets/pdf\\_file/0019/740071/robing-policy-queensland-courts-and-tribunals.pdf](https://www.courts.qld.gov.au/__data/assets/pdf_file/0019/740071/robing-policy-queensland-courts-and-tribunals.pdf)